



January 27, 2006

HOUSE BILL No. 1110

DIGEST OF HB 1110 (Updated January 26, 2006 11:10 am - DI 69)

Citations Affected: IC 13-11; IC 13-20.

Synopsis: Removal of mercury switches from motor vehicles. Requires manufacturers of motor vehicles offered for sale in Indiana to develop and implement a plan to remove, collect, recover, and recycle or dispose of certain mercury switches from motor vehicles. Requires the plan to include identification of vehicle recyclers and scrap recyclers in Indiana, an education program, the provision of containers for collecting and storing mercury switches, and certain mercury switch recovery rate goals. Requires persons that sell, give, or otherwise convey ownership of certain motor vehicles to scrap recycling facilities for recycling to remove all mercury switches from the vehicles before delivering the vehicles to the facility.

Effective: July 1, 2006.

Brown T, Wolkins, Pierce, Micon

January 5, 2006, read first time and referred to Committee on Environmental Affairs.
January 26, 2006, amended, reported — Do Pass.

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HB 1110—LS 6350/DI 52+



January 27, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1110

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-66.9 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2006]: **Sec. 66.9. (a) "End of life vehicle", for**
4 **purposes of IC 13-20-17.7, means a motor vehicle that is:**

5 (1) sold; or

6 (2) otherwise conveyed;

7 **to a motor vehicle recycler or scrap recycling facility for the**
8 **purpose of recycling.**

9 **(b) This section expires July 1, 2016.**

10 SECTION 2. IC 13-11-2-71 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 71. "Environmental
12 management laws" refers to the following:

13 (1) IC 13-12-2 and IC 13-12-3.

14 (2) IC 13-13.

15 (3) IC 13-14.

16 (4) IC 13-15.

17 (5) IC 13-16.

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(6) IC 13-17-3-15, IC 13-17-8-10, IC 13-17-10, and IC 13-17-11.

(7) IC 13-18-12 and IC 13-18-15 through IC 13-18-20.

(8) IC 13-19-1 and IC 13-19-4.

(9) IC 13-20-1, IC 13-20-2, IC 13-20-4 through IC 13-20-15,
IC 13-20-17.7, and IC 13-20-19 through IC 13-20-21.

(10) IC 13-22.

(11) IC 13-23.

(12) IC 13-24.

(13) IC 13-25-1 through IC 13-25-5.

(14) IC 13-30, except IC 13-30-1.

SECTION 3. IC 13-11-2-128.8 IS ADDED TO THE INDIANA
CODE AS A **NEW** SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2006]: **Sec. 128.8. (a) "Mercury switch", for
purposes of IC 13-20-17.7, means a convenience light switch that:**

(1) is located in the hood or trunk lid of a motor vehicle; and

(2) contains mercury.

(b) This section expires July 1, 2016.

SECTION 4. IC 13-11-2-128.9 IS ADDED TO THE INDIANA
CODE AS A **NEW** SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2006]: **Sec. 128.9. (a) "Mercury switch
recovery rate", for purposes of IC 13-20-17.7, means:**

**(1) the number of mercury switches recovered from end of life
vehicles under IC 13-20-17.7 during a calendar year; divided
by**

**(2) the total number of mercury switches available for
recovery from end of life vehicles during the calendar year.**

(b) This section expires July 1, 2016.

SECTION 5. IC 13-20-17.7 IS ADDED TO THE INDIANA CODE
AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2006]:

Chapter 17.7. Mercury Switches in End of Life Vehicles

**Sec. 1. Manufacturers of motor vehicles engaged on July 1,
2006, in the business of offering motor vehicles for sale in Indiana
shall, individually or collectively:**

(1) develop a plan to:

(A) remove;

(B) collect;

(C) recover; and

(D) recycle or dispose of;

mercury switches from end of life vehicles;

**(2) submit the plan to the commissioner before January 1,
2007; and**

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(3) implement the plan as required under section 4(b) of this chapter.

Sec. 2. A plan described in section 1 of this chapter must include the following:

(1) Identification of vehicle recyclers and scrap recyclers in Indiana.

(2) An education program concerning the purposes of the mercury switch collection program and how to participate in the program, including the following:

(A) Educational materials about the program.

(B) Information identifying which end of life vehicles contain mercury switches by make, model, and year of manufacture.

(C) Instructions on safe and environmentally sound methods to remove mercury switches.

(3) The provision of containers for collecting and storing mercury switches.

(4) Procedures for the transportation of mercury switches to recycling, storage, or disposal facilities.

(5) Procedures for the recycling, storage, and disposal of mercury.

(6) Procedures to track the progress of the program, including a description of performance measures to be used and reported to demonstrate that the program is meeting the recovery rate goals established in subdivision (8) and other measures of the effectiveness of the program, including the following:

(A) The number of mercury switches collected from end of life vehicles.

(B) The amount of mercury collected.

(C) The number of end of life vehicles containing mercury switches.

(D) The number of end of life vehicles processed for recycling.

(7) Procedures for implementing the plan.

(8) Mercury switch recovery rate goals of at least:

(A) thirty-three and three-tenths percent (33.3%) in 2007;

(B) seventy percent (70%) in 2008;

(C) eighty percent (80%) in 2009; and

(D) ninety percent (90%) in 2010 and thereafter.

(9) A description of additional or alternative actions that must be implemented to improve the plan and its operation if the

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recovery rate goals established in subdivision (8) are not met.

Sec. 3. Motor vehicle manufacturers that submit plans, individually or collectively, under this chapter shall pay the following costs incurred for implementing the plans:

(1) Educational materials.

(2) Training.

(3) Packaging for transporting mercury switches to recycling, storage, or disposal facilities.

(4) Shipping of mercury switches to recycling, storage, or disposal facilities.

(5) Recycling, storage, or disposal of mercury switches.

(6) Public education materials and presentations.

(7) Maintenance of all appropriate systems and procedures to protect the environment from mercury contamination.

Sec. 4. (a) The commissioner shall do the following:

(1) Not more than thirty (30) days after receiving a plan developed by a motor vehicle manufacturer or a group of motor vehicle manufacturers under section 1 of this chapter, issue a public notice and solicit public comment on the plan.

(2) Not more than ninety (90) days after receiving a plan, determine whether the entire plan complies with this chapter and:

(A) if the entire plan complies with this chapter, approve the plan in its entirety;

(B) if no part of the plan complies with this chapter, reject the plan in its entirety; or

(C) if only part of the plan complies with this chapter, approve that part and reject the rest of the plan.

(b) If a plan is approved in its entirety under subsection (a)(2)(A), the motor vehicle manufacturers shall begin implementing the plan not more than thirty (30) days after the date the plan is approved. If an entire plan is rejected under subsection (a)(2)(B), the commissioner shall inform the motor vehicle manufacturers why the plan was rejected, and the manufacturers shall submit a new plan not more than thirty (30) days after the commissioner informs the manufacturers that the entire plan was rejected. If a plan is approved in part and rejected in part under subsection (a)(2)(C), the manufacturers shall immediately implement the approved part of the plan and submit a revision of the rejected part of the plan not more than thirty (30) days after the commissioner informs the manufacturers of the commissioner's partial approval. The commissioner shall review a revised plan not

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more than thirty (30) days after receiving the revised plan.

(c) Not more than two hundred forty (240) days after receiving a plan developed by motor vehicle manufacturers under section 1 of this chapter, the commissioner shall complete, on behalf of the manufacturer, any part of the plan that has not yet been approved.

(d) After a plan has been approved under this section, the commissioner shall:

(1) review the plan three (3) years after the original date of approval of the plan and every three (3) years thereafter; and

(2) require the motor vehicle manufacturers to modify the plan as appropriate.

Sec. 5. (a) A person that sells, gives, or otherwise conveys ownership of an end of life vehicle to a scrap recycling facility for recycling shall remove all mercury switches from the vehicle before delivering the vehicle to the facility.

(b) After a mercury switch is removed from a vehicle, the mercury switch shall be collected, stored, transported, and otherwise handled in accordance with the plan approved under section 4 of this chapter.

(c) Notwithstanding subsection (a), a scrap recycling facility may accept an end of life vehicle containing mercury switches that has not been intentionally flattened, crushed, or baled if the scrap recycling facility assumes responsibility for removing the mercury switches.

(d) A vehicle recycler, scrap recycling facility, or any other person that removes mercury switches in accordance with this section shall maintain records that document the number of:

(1) end of life vehicles the person processed for recycling;

(2) end of life vehicles the person processed that contained mercury switches; and

(3) mercury switches the person collected.

(e) A person may not represent that mercury switches have been removed from a motor vehicle being sold or otherwise conveyed for recycling if the person has not removed the mercury switches from the vehicle.

(f) A scrap recycling facility or other person that receives an intentionally flattened, crushed, or baled end of life vehicle may not be considered to be in violation of this section if a mercury switch is found in the vehicle after the person acquires the vehicle.

Sec. 6. The board may adopt rules under IC 4-22-2 and IC 13-14-9 to implement this chapter.

Sec. 7. (a) This chapter shall be enforced under IC 13-30-3.

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- 1 **(b) A violation of this chapter or a rule adopted under this**
- 2 **chapter is subject to the penalties set forth in the following:**
- 3 **(1) IC 13-30-4.**
- 4 **(2) IC 13-30-5.**
- 5 **(3) IC 13-30-6.**
- 6 **(4) IC 13-30-8.**
- 7 **Sec. 8. This chapter expires July 1, 2016.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1110, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 10.

Page 2, line 13, after "66.9." insert "(a)".

Page 2, between lines 18 and 19, begin a new paragraph and insert:
"(b) This section expires July 1, 2016."

Page 2, delete lines 37 through 42.

Page 3, delete lines 1 through 10.

Page 3, line 13, after "128.8." insert "(a)".

Page 3, line 14, delete ":" and insert **"a convenience light switch that:**

- (1) is located in the hood or trunk lid of a motor vehicle; and**
- (2) contains mercury."**

Page 3, delete lines 15 through 42, begin a new paragraph and insert:

"(b) This section expires July 1, 2016.

SECTION 4. IC 13-11-2-128.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 128.9. (a) "Mercury switch recovery rate", for purposes of IC 13-20-17.7, means:**

- (1) the number of mercury switches recovered from end of life vehicles under IC 13-20-17.7 during a calendar year; divided by**
- (2) the total number of mercury switches available for recovery from end of life vehicles during the calendar year.**

(b) This section expires July 1, 2016.

SECTION 5. IC 13-20-17.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 17.7. Mercury Switches in End of Life Vehicles

Sec. 1. Manufacturers of motor vehicles engaged on July 1, 2006, in the business of offering motor vehicles for sale in Indiana shall, individually or collectively:

- (1) develop a plan to:**
 - (A) remove;**
 - (B) collect;**
 - (C) recover; and**
 - (D) recycle or dispose of;**

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- mercury switches from end of life vehicles;
- (2) submit the plan to the commissioner before January 1, 2007; and
- (3) implement the plan as required under section 4(b) of this chapter.

Sec. 2. A plan described in section 1 of this chapter must include the following:

- (1) Identification of vehicle recyclers and scrap recyclers in Indiana.
- (2) An education program concerning the purposes of the mercury switch collection program and how to participate in the program, including the following:
 - (A) Educational materials about the program.
 - (B) Information identifying which end of life vehicles contain mercury switches by make, model, and year of manufacture.
 - (C) Instructions on safe and environmentally sound methods to remove mercury switches.
- (3) The provision of containers for collecting and storing mercury switches.
- (4) Procedures for the transportation of mercury switches to recycling, storage, or disposal facilities.
- (5) Procedures for the recycling, storage, and disposal of mercury.
- (6) Procedures to track the progress of the program, including a description of performance measures to be used and reported to demonstrate that the program is meeting the recovery rate goals established in subdivision (8) and other measures of the effectiveness of the program, including the following:
 - (A) The number of mercury switches collected from end of life vehicles.
 - (B) The amount of mercury collected.
 - (C) The number of end of life vehicles containing mercury switches.
 - (D) The number of end of life vehicles processed for recycling.
- (7) Procedures for implementing the plan.
- (8) Mercury switch recovery rate goals of at least:
 - (A) thirty-three and three-tenths percent (33.3%) in 2007;
 - (B) seventy percent (70%) in 2008;
 - (C) eighty percent (80%) in 2009; and

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(D) ninety percent (90%) in 2010 and thereafter.

(9) A description of additional or alternative actions that must be implemented to improve the plan and its operation if the recovery rate goals established in subdivision (8) are not met.

Sec. 3. Motor vehicle manufacturers that submit plans, individually or collectively, under this chapter shall pay the following costs incurred for implementing the plans:

- (1) Educational materials.**
- (2) Training.**
- (3) Packaging for transporting mercury switches to recycling, storage, or disposal facilities.**
- (4) Shipping of mercury switches to recycling, storage, or disposal facilities.**
- (5) Recycling, storage, or disposal of mercury switches.**
- (6) Public education materials and presentations.**
- (7) Maintenance of all appropriate systems and procedures to protect the environment from mercury contamination.**

Sec. 4. (a) The commissioner shall do the following:

- (1) Not more than thirty (30) days after receiving a plan developed by a motor vehicle manufacturer or a group of motor vehicle manufacturers under section 1 of this chapter, issue a public notice and solicit public comment on the plan.**
- (2) Not more than ninety (90) days after receiving a plan, determine whether the entire plan complies with this chapter and:**

- (A) if the entire plan complies with this chapter, approve the plan in its entirety;**
- (B) if no part of the plan complies with this chapter, reject the plan in its entirety; or**
- (C) if only part of the plan complies with this chapter, approve that part and reject the rest of the plan.**

(b) If a plan is approved in its entirety under subsection (a)(2)(A), the motor vehicle manufacturers shall begin implementing the plan not more than thirty (30) days after the date the plan is approved. If an entire plan is rejected under subsection (a)(2)(B), the commissioner shall inform the motor vehicle manufacturers why the plan was rejected, and the manufacturers shall submit a new plan not more than thirty (30) days after the commissioner informs the manufacturers that the entire plan was rejected. If a plan is approved in part and rejected in part under subsection (a)(2)(C), the manufacturers shall immediately implement the approved part of the plan and submit a revision of

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the rejected part of the plan not more than thirty (30) days after the commissioner informs the manufacturers of the commissioner's partial approval. The commissioner shall review a revised plan not more than thirty (30) days after receiving the revised plan.

(c) Not more than two hundred forty (240) days after receiving a plan developed by motor vehicle manufacturers under section 1 of this chapter, the commissioner shall complete, on behalf of the manufacturer, any part of the plan that has not yet been approved.

(d) After a plan has been approved under this section, the commissioner shall:

- (1) review the plan three (3) years after the original date of approval of the plan and every three (3) years thereafter; and
- (2) require the motor vehicle manufacturers to modify the plan as appropriate.

Sec. 5. (a) A person that sells, gives, or otherwise conveys ownership of an end of life vehicle to a scrap recycling facility for recycling shall remove all mercury switches from the vehicle before delivering the vehicle to the facility.

(b) After a mercury switch is removed from a vehicle, the mercury switch shall be collected, stored, transported, and otherwise handled in accordance with the plan approved under section 4 of this chapter.

(c) Notwithstanding subsection (a), a scrap recycling facility may accept an end of life vehicle containing mercury switches that has not been intentionally flattened, crushed, or baled if the scrap recycling facility assumes responsibility for removing the mercury switches.

(d) A vehicle recycler, scrap recycling facility, or any other person that removes mercury switches in accordance with this section shall maintain records that document the number of:

- (1) end of life vehicles the person processed for recycling;
- (2) end of life vehicles the person processed that contained mercury switches; and
- (3) mercury switches the person collected.

(e) A person may not represent that mercury switches have been removed from a motor vehicle being sold or otherwise conveyed for recycling if the person has not removed the mercury switches from the vehicle.

(f) A scrap recycling facility or other person that receives an intentionally flattened, crushed, or baled end of life vehicle may not be considered to be in violation of this section if a mercury switch is found in the vehicle after the person acquires the vehicle.

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Sec. 6. The board may adopt rules under IC 4-22-2 and IC 13-14-9 to implement this chapter.

Sec. 7. (a) This chapter shall be enforced under IC 13-30-3.

(b) A violation of this chapter or a rule adopted under this chapter is subject to the penalties set forth in the following:

(1) IC 13-30-4.

(2) IC 13-30-5.

(3) IC 13-30-6.

(4) IC 13-30-8.

Sec. 8. This chapter expires July 1, 2016."

Delete pages 4 through 9.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1110 as introduced.)

WOLKINS, Chair

Committee Vote: yeas 8, nays 0.

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